

1 MICHAEL COSENTINO, SBN 83253  
Attorney at Law  
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4 Attorney for Plaintiff  
United States of America  
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**FILED**

AUG 21 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA

NO. CV 08 3371 SLM

12 Plaintiff,

13 v.

**DECLARATION IN SUPPORT OF  
MOTION TO ENTER DEFAULT AND  
IN SUPPORT OF MOTION TO  
ENTER DEFAULT JUDGMENT**

14 BETH J. HOWARD aka BETHEL J. MCGARR  
aka BETHEL J. MCGARRHOWARD,

15 Defendant.  
16 \_\_\_\_\_/

17 I, MICHAEL COSENTINO, declare:

18 1. I am the attorney for the plaintiff in the above-entitled action.

19 2. This declaration is made on behalf of plaintiff.

20 3. From the files and records and other information in this case, declarant is  
21 informed and believes that the defendant's place of residence is at 5227 TENINO WAY ,  
22 KELSEYVILLE, CA 95451-5845.

23 4. Defendant is not an infant or incompetent person and not in the military service of  
24 the United States within the meaning of the Soldiers' and Sailors' Civil Relief Act of 1940,  
25 as amended, or otherwise entitled to the benefits of said Act.

26 5. The time for defendant to plead or otherwise defend has expired.

27 6. Subsequent to the date of the Certificate of Indebtedness, a copy of which is  
28 attached hereto and made a part hereof as Exhibit A, \$0.00 in payments have been made

1 to the account; there is now due and owing to the plaintiff from the defendant the sum of  
2 \$8,717.22 principal, plus \$2,870.52 additional interest, \$0.00 administrative costs, \$55.00  
3 court costs, and \$2,905.44 as attorney fees.

4 WHEREFORE, declarant requests that judgment be entered on behalf of the plaintiff  
5 and against the defendant in the sum of \$14,548.18 plus post judgment interest at the legal  
6 rate per annum, pursuant to the provisions of 28 USC Sec. 1961(a), which will be  
7 compounded annually pursuant to the provisions of 28 USC Sec. 1961(b).

8 I certify under penalty of perjury that the foregoing is true and accurate to the best of  
9 my knowledge, information and belief.

10  
11 Dated: August 19, 2008



12 MICHAEL COSENTINO  
13 Attorney for the Plaintiff  
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U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

Beth J. Howard  
Aka: Bethel J. McGarr  
5227 Tenino Way  
Kelseyville, CA 95451-5845  
Account No. XXXXX9587

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 04/28/08.

On or about 07/16/01, the borrower executed a promissory note to secure a Direct Consolidation loan from the U.S. Department of Education. This loan was disbursed for \$7,895.24 on 08/07/01, at 6.50 percent interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 11/25/03. Pursuant to 34 C.F.R. § 685.202(b), a total of \$821.98 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$42.77 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$8,717.22
Interest:	\$2,695.58

Total debt as of 04/28/08:	\$11,412.80
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Interest accrues on the principal shown here at the rate of \$1.55 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 6/13/08


  
Alberto Francisco  
Loan Analyst  
Senior Loan Analyst  
Litigation Support

EXHIBIT A